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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/690,337	10/21/2003	Kenneth J. Juncker	AG-117US 2196	
24314	7590 06/13/2005		EXAMINER	
JANSSON, SHUPE & MUNGER, LTD			NOVOSAD, CHRISTOPHER J	
245 MAIN STREET RACINE, WI 53403			ART UNIT	PAPER NUMBER
			3671	
		DATE MAILED: 06/13/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

this application, applicant must timely file one of the following replies; (1) an amendment, afficavit, or other evidence, which places the application in condition for allowance, (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 11.14. The reply must be filed within one of the following time periods:  a) The period for reply expiresmonths from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no evert, however, with the statulory period for reply expire later than ISM MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM, REJECTION. See MPEP 768.07(f).  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM, REJECTION. See MPEP 768.07(f).  Examiners of time may be obtained under 2 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(s) and the appropriate extension fee have exem filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have exem filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have exem filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have exempted plant time application of the fee. The appropriate extension fee have exempted plant time application.  DITCE OF APPEAL.  The Notice of Appeal was filed on	n.	Application No.	Applicant(s)					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 03 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies; (1) an amendment, affidavit, or other evidence, which passes the application in condition for allowance. (2) a Notice of Appeal (with appeal refe) in compliance with 37 CFR 1.114. The reply must be filed within one of the large section. The periods:  ■ The periods: ■ The periods: ■ The period for rely agries and (1) the mailing date of the Advisory Acids, or (2) the date set forth in the final rejection. Without prior for reply very less them as NEW MONTHS from the mailing date of the final rejection. ■ The period for rely agries and (1) the mailing date of the Advisory Acids, or (3) the date set forth in the final rejection. Without period for rely very less than 810 MONTHS from the mailing date of the final rejection.  ■ The period for rely agries and (1) the mailing date of the Advisory Acids, or (3) the date set forth in the final rejection. Without period for rely very less than 810 MONTHS from the mailing date of the final rejection.  ■ The period for rely agries and (1) the date of the Advisory Acids, or (3) the date set forth in the final rejection.  ■ The period for rely agries and (1) the date of the final rejection, and the period for the period for the final rejection, with the period and final rejection. Period for the peri		10/690,337	JUNCKER, KENNETH J.					
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Examiner Note: If box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REFLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 796 797(p).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have seen filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the period set forth in (b) boxe, if checked, Any reply resident with the mailing date of the final rejection, even if timely filed, may reduce any samed patent term adjustment. See 37 CFR 1.704(b).  SOTICE OF APPEAL  Continued to Appeal was filed on								
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2. ☐ The Notice of Appeal was filled on A brief in compliance with 37 CFR 41.37 (e), to avoid dismissal of the appeal. Since a Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  **MENDMENTS** 8. ② The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  **NOTE** *See Continuation Sheet** (See 37 CFR 1.116 and 41.33(a)).  1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  1. ☐ Applicant's réply/five overcome the following rejection(s): the rejection of claim 11 under 35 USC 112(2).  1. ☐ Newty proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  1. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  1. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  2. ☐ The affidavit or other evidence is entered. An explanation of the status o	above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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AFFIDAVIT OR OTHER EVIDENCE  3. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).  13. Other:  14. Other:  15. Christopher J. Novosad Primary Examiner								
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## Continuation Sheet (PTOL-303)

Application No.

Continuation of 3. NOTE: Claims 36-38 and 40 would require further consideration since these claims would still be rejected under 35 USC 103 as being unpatentable over Clausen in view of Wigoda. It is to be noted that the examiner did not "agree to withdraw the 103 rejection of claims 36-38 and 40". Rather, the cancelation of claims 36-40 in this application was discussed and the filing of an RCE application was discussed.